

Matthew L. Blomstedt, Ph.D.	)	
Commissioner of Education	)	NDE Case No. 15-20
301 Centennial Mall South	)	
P.O. Box 94933	)	
Lincoln, NE 68509-4933,	)	
	)	
	)	<b>FINAL ORDER</b>
Petitioner,	)	
	)	
v.	)	
	)	
Justin Dannelly	)	
14814 Young Street	)	
Bennington, NE 68007	)	
	)	
	)	
Respondent.	)	

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition was received into evidence as "Exhibit 2." Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866(2) (2014);

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, 301 Centennial Mall South, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Justin Dannelly, 14814 Young Street, Bennington, NE 68007;

4. The Respondent held a public Nebraska Professional teaching certificate number 2005007445, endorsed in Coaching 7-12 and Elementary Education K-6, with an expiration date of August 31, 2015;

5. The Respondent was employed by the Springfield Platteview Community Schools as an elementary teacher and coach from the 2008-2009 school year until his resignation was accepted by the school board on February 23, 2015;

6. Beginning in the summer of 2014, the Respondent engaged in a sexual relationship with a female former student (A.W.), who had graduated in May 2014;

7. On February 3, 2015, the Sarpy County Sheriff's Office cited the Respondent and A.W. for Criminal Trespass-2<sup>nd</sup> Degree, which resulted in the Respondent being charged in the Sarpy County Court with Procuring Alcohol for a Minor, a Class I Misdemeanor, and Criminal Trespass-2<sup>nd</sup> Degree, a Class III Misdemeanor.

8. On June 17, 2015, pursuant to a plea agreement wherein the State dismissed the charge of Criminal Trespass-2<sup>nd</sup> Degree, the Respondent entered a plea of No Contest and was found guilty of Procuring Alcohol for a Minor. On July 30, 2015, Respondent was sentenced to 366 days of incarceration with credit for one day served; and

9. Based upon the factual allegations contained in paragraphs 6, 7 and 8, the Respondent has violated the following statutes and standards: Neb. Rev. Stat. § 79-866(2) (2014) which states, in pertinent part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.04E (effective date: November 12, 2003) ("the educator. . . shall not commit any act of moral turpitude, or any felony under the laws of the United States or any state or territory, and shall not have a misdemeanor conviction involving abuse, neglect, or sexual misconduct as defined in Sections 003.12 through 003.14 of 92 NAC 21"); Section 005.02B2 (same effective date) ("each teacher. . . shall adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider"); and Section 005.06D (same effective date) ("the educator. . . shall develop and maintain positive standards of conduct");

10. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to revoke the Respondent's certificate for a period of five years; and

11. The public Nebraska Professional teaching certificate of Justin Dannelly, certificate number 2005007445, endorsed in Coaching 7-12 and Elementary Education K-6, with an expiration date of August 31, 2015, shall be revoked for a period of five years from and after the date of this order.

Dated this 5<sup>th</sup> day of February, 2016.

STATE BOARD OF EDUCATION

BY: Rachel Wise  
Rachel Wise, President

The vote by the State Board of Education to approve the Final Order in Case No. 15-20, on February 5, 2016, was 7 in favor, \_\_\_\_\_ against, \_\_\_\_\_ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: L. LARSEN, G. FLINT, R. WISE, J. WITZEL, M. NICKELS, M. O'HOLLERAN,  
P. MCPHERSON

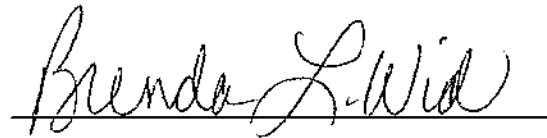
AGAINST: \_\_\_\_\_  
\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: P. TIMM

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon Respondent Justin Dannelly, 14814 Young Street, Bennington, NE 68007, via United States mail; Kathi Vontz, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Brian L. Halstead, Deputy Commissioner, Nebraska Department of Education, 301 Centennial Mall South, Sixth Floor, Lincoln, NE 68509, via interoffice mail, all on this 5<sup>th</sup> day of February, 2016.

A handwritten signature in cursive script, reading "Brenda L. Wid", is written over a horizontal line.